

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 216

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## Sub-Chapter 1

## Organizational Rules

24.216.101 BOARD ORGANIZATION (1) The board of sanitarians hereby adopts and incorporates the organizational rules of the department of labor and industry as listed in chapter 1 of this title. (History: 37-40-203, MCA; IMP, 2-4-201, MCA; NEW, Eff. 2/4/75; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1499.)

## Sub-Chapter 2

## Procedural Rules

24.216.201 PROCEDURAL RULES (1) The board of sanitarians hereby adopts and incorporates the procedural rules of the department of labor and industry as listed in chapter 2 of this title. (History: 37-40-203, MCA; IMP, 2-4-201, MCA; NEW, Eff. 2/4/75; AMD, Eff. 12/4/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1499.)

24.216.202 PUBLIC PARTICIPATION RULES (1) The board of sanitarians hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in chapter 2 of this title. (History: 37-40-203, MCA; IMP, 2-3-103, MCA; NEW, Eff. 2/4/75; AMD, Eff. 12/4/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1499.)

Sub-Chapter 3 reserved

## Subchapter 4

## General Rules

24.216.401 BOARD MEETINGS (1) Two members of the board shall constitute a quorum of any meeting.

(2) "Robert's Rules of Order" shall govern the proceedings of the board except as otherwise provided herein or by statute. (History: 37-40-203, MCA; IMP, 37-40-201, MCA; NEW, Eff. 2/4/75; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1996 MAR p. 1965, Eff. 7/19/96; TRANS, from Commerce, 2002 MAR p. 1499.)

24.216.402 FEE SCHEDULE

- |   |       |
|---|-------|
| (1) Application fee   | \$ 90 |
| (2) Examination   | 150   |
| (3) Reexamination   | 150   |
| (4) Renewal   | 90    |
| (5) Sanitarian-in-training application fee                        | 90    |
| (6) Additional standardized fees are specified in ARM 24.101.403. |       |
| (7) All fees are nonrefundable.                                   |       |

(8) In addition to the examination fees specified in this rule, there is a vendor fee set by the exam vendor. Current fee amounts for the sanitarian examination are available at the board office. (History: 37-1-134, 37-40-203, MCA; IMP, 37-1-134, 37-1-141, 37-40-101, 37-40-301, 37-40-302, MCA; NEW, 1985 MAR p. 1239, Eff. 8/30/85; AMD, 1990 MAR p. 225, Eff. 1/26/90; AMD, 1992 MAR p. 1613, Eff. 7/31/92; AMD, 1996 MAR p. 1965, Eff. 7/19/96; AMD, 1997 MAR p. 1578, Eff. 9/9/97; AMD, 1999 MAR p. 2248, Eff. 10/8/99; TRANS, from Commerce, 2002 MAR p. 1499; AMD, 2005 MAR p. 382, Eff. 3/18/05; AMD, 2006 MAR p. 1051, Eff. 4/21/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2007 MAR p. 1817, Eff. 11/9/07.)

24.216.403 SEAL OF THE BOARD (1) The seal of the board will be 1 3/4 inches in diameter and bear the following words: State of Montana Board of Sanitarians Official Seal.

(2) The seal of the board shall be used to authenticate all licenses issued by the board and other instruments which may be designated by the board as requiring a seal as prescribed by law. The department shall be responsible for the safekeeping of the seal of the board. (History: 37-40-203, MCA; IMP, 37-40-203, MCA; NEW, Eff. 2/4/75; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1996 MAR p. 1965, Eff. 7/19/96; TRANS, from Commerce, 2002 MAR p. 1499.)

## Subchapter 5

## Licensing

24.216.501 APPLICATIONS (1) An application for original license, renewal, examination or reinstatement must be made on a form provided by the board and completed and signed by the applicant, with the signature acknowledged before a notary public.

(2) The application must be typed or written in ink, accompanied by the appropriate fee or fees, and contain sufficient evidence that the applicant possesses the qualifications as set forth in Title 37, chapter 40, MCA, and rules promulgated thereunder.

(3) The board shall require the applicant to submit a recent, passport-type photograph of the applicant.

(4) The board shall review fully-completed applications for compliance with board law and rules. The board may request additional information or clarification of information provided in the application as it deems reasonably necessary. Incomplete applications may be returned to the applicant with a statement regarding incomplete portions.

(5) The applicant shall correct any deficiencies and resubmit the application as requested. Failure to resubmit the application within 60 days shall be treated as a voluntary withdrawal of the application. After voluntary withdrawal an applicant will be required to submit an entirely new application to begin the process again.

(6) The board shall notify the applicant in writing of the results of the evaluation of the application and schedule the applicant to sit for the examination within 30 days of the approval date.

(7) All requests for reasonable accommodations under the Americans with Disabilities Act of 1990, as 42 USC section 12101, et seq., with regard to a board-administered licensing examination must be made on forms provided by the board and submitted with the application prior to any application deadline set by the board. (History: 37-40-203, MCA; IMP, 37-40-301, 37-40-302, MCA; NEW, 1996 MAR p. 1965, Eff. 7/19/96; TRANS, from Commerce, 2002 MAR p. 1499.)

24.216.502 MINIMUM STANDARDS FOR LICENSURE (1) The board may accept graduation from an accredited college or university with a bachelor's degree and including a minimum of 45 quarter or 30 semester hours in the physical and biological sciences, including courses in chemistry, microbiology, and biology as an equivalent qualification of a bachelor's degree in environmental health as required by 37-40-302, MCA.

(2) A holder of current National Environmental Health Association (NEHA) registration is qualified to be registered as a sanitarian in the state of Montana. (History: 37-1-131, 37-40-203, MCA; IMP, 37-40-302, MCA; NEW, Eff. 2/4/75; AMD, 1980 MAR p. 661, Eff. 2/29/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 290, Eff. 2/12/82; AMD, 1985 MAR p. 1239, Eff. 8/30/85; AMD, 1990 MAR p. 224, Eff. 1/26/90; AMD, 1992 MAR p. 1613, Eff. 7/31/92; AMD, 1994 MAR p. 952, Eff. 4/15/94; AMD, 1996 MAR p. 1965, Eff. 7/19/96; AMD, 1998 MAR p. 1497, Eff. 6/12/98; TRANS, from Commerce, 2002 MAR p. 1499; AMD, 2005 MAR p. 382, Eff. 3/18/05; AMD, 2007 MAR p. 1817, Eff. 11/9/07.)

24.216.503 EXAMINATION (1) Upon approval of the application set forth in ARM 24.216.501 or 24.216.2103, the applicant shall submit an examination fee and make an appointment with the board office to sit for the written examination within 30 days of the application approval. Examination candidates must present photo identification prior to being admitted to the examination.

(2) An overall score of 68 percent will be required to pass the examination.

(3) The board shall inform candidates of the result of their examinations in writing within ten days of receipt of the results from the testing agency. No score will be released over the telephone or via facsimile. The board staff shall discuss score-related matters with the candidate or the candidate's legal representative only.

(4) Applicants who fail the examination and wish to reschedule to take the examination must pay the reexamination fee, and schedule and sit for the examination. Applicants who fail the examination twice shall wait 60 days before taking the examination again.

(5) If, after one year of receipt of an application, an applicant has not passed the examination, a new application and application fee will be required to sit for the examination.

(6) A sanitarian-in-training is subject to examination rules set forth in ARM 24.216.2103. (History: 37-1-131, 37-40-203, MCA; IMP, 37-1-131, 37-40-302, MCA; NEW, 1996 MAR p. 1965, Eff. 7/19/96; AMD, 1999 MAR p. 278, Eff. 2/12/99; TRANS, from Commerce, 2002 MAR p. 1499; AMD, 2007 MAR p. 1817, Eff. 11/9/07.)

Subchapters 6 through 20 reserved

## Subchapter 21

## Renewals and Continuing Education

24.216.2101 RENEWAL (1) Renewal notices will be sent as specified in ARM 24.101.414.

(2) Licenses must be renewed on or before the date set by ARM 24.101.413.

(3) The provisions of ARM 24.101.408 apply. (History: 37-1-141, 37-40-203, MCA; IMP, 37-1-141, MCA; NEW, 1996 MAR p. 1965, Eff. 7/19/96; TRANS, from Commerce, 2002 MAR p. 1499; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

24.216.2102 CONTINUING EDUCATION (1) Continuing education is that education obtained after registration of a sanitarian which is in addition to the educational requirements set by statute for licensure. Continuing education must be related to the practice of the profession of a sanitarian.

(2) A licensee must affirm on licensee's license renewal form that the licensee has obtained a minimum of 15 clock hours (50 to 60 minutes per hour) or 1.5 continuing education units with licensee's renewal form each odd-numbered year.

(3) It is the responsibility of the licensee to maintain records of all affirmed continuing education hours or credits and to provide documentation of compliance if so requested during a random audit. A random audit will be conducted on a biennial basis.

(4) Credit for continuing education shall not be carried over to a subsequent reporting period.

(5) Credit for any continuing education courses, workshops, seminars, educational conferences and other programs is subject to approval by the board.

(6) The following continuing education programs are approved by the board for continuing education credit:

(a) Workshops, seminars and educational conferences sponsored by the National Environmental Health Association, the Montana Environmental Health Association and the Montana Department of Public Health and Human Services; and

(b) Accreditation and refresher courses in specialized programs (i.e., UST licensure, asbestos accreditation, FDA standardization, etc.) sponsored by the Environmental Protection Agency or state agencies.



(7) Continuing education may be obtained by correspondence course work through the National Environmental Health Association, Centers for Disease Control, Food and Drug Administration and other organizations, subject to approval by the board.

(8) Any continuing education which has been obtained in another state that meets the continuing education requirements of that state may be approved for credit by the board.

(9) The board may approve a waiver of the continuing education requirement of a registered sanitarian who has retired from active practice of the profession and submits a written request to the board before the renewal date. (History: 37-40-203, MCA; IMP, 37-40-203, MCA; NEW, 1992 MAR p. 1613, Eff. 7/31/92; AMD, 1998 MAR p. 1718, Eff. 6/12/98; TRANS, from Commerce, 2002 MAR p. 1499.)

24.216.2103 SANITARIAN-IN-TRAINING (1) On a form prescribed by the board, an applicant shall apply and the board may issue a sanitarian-in-training exemption to an applicant who meets the minimum educational requirements for a registered sanitarian under 37-40-301 and 37-40-302, MCA, and ARM 24.216.502.

(2) A sanitarian-in-training must work under the supervision of a licensed sanitarian. The supervising sanitarian must submit a plan for supervision for approval by the board. The supervising sanitarian must file quarterly reports with the board regarding the status and progress of the sanitarian-in-training.

(a) The plan of supervision shall include:

- (i) an estimate of time of supervision provided;
- (ii) number of hours of training to be provided per month; and
- (iii) method of maintaining contact and supervision, including an alternate supervisor in cases of unavailability of designated supervisor.

(3) Supervision for purposes of this rule means the availability of a licensed sanitarian for purposes of immediate communication and consultation on a weekly and as needed basis as identified in the approved plan of supervision.

(4) A sanitarian-in-training exemption is valid for a period of one year. While practicing under a valid sanitarian-in-training exemption, the sanitarian-in-training is eligible to sit for the examination upon making an appointment with the board office and paying the examination fee. There is no limit to the number of times a sanitarian-in-training may take the examination during the one year exemption period. (History: 37-1-319, 37-40-203, MCA; IMP, 37-1-305, 37-40-101, 37-40-203, MCA; NEW, 1992 MAR p. 1613, Eff. 7/31/92; AMD, 1996 MAR p. 2578, Eff. 7/19/96; AMD, 1999 MAR p. 278, Eff. 2/12/99; TRANS, from Commerce, 2002 MAR p. 1499.)

Subchapter 22 reserved

## Subchapter 23

## Unprofessional Conduct

24.216.2301 UNPROFESSIONAL CONDUCT (1) For the purpose of implementing the provisions of 37-1-307, MCA, and in addition to the provisions of 37-1-316, MCA, the following is defined as unprofessional conduct:

- (a) failure to comply with the provisions of Title 37, chapter 40, MCA, or any rule promulgated thereunder;
- (b) failure to uphold Montana laws, rules and regulations pertaining to environmental and public health;
- (c) obtaining other financial compensation for professional services than the compensation provided by the employment contract;
- (d) failure to properly supervise a sanitarian-in-training in accordance with the board-approved plan;
- (e) failure to provide proof of licensure upon request;
- (f) failure to display current sanitarian license in a conspicuous place.

(History: 37-1-319, 37-40-203, MCA; IMP, 37-40-307, MCA; NEW, Eff. 2/4/75; AMD, 1980 MAR p. 661, Eff. 2/29/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 290, Eff. 2/12/82; AMD, 1985 MAR p. 1239, Eff. 8/30/85; AMD, 1996 MAR p. 1965, Eff. 7/19/96; TRANS, from Commerce, 2002 MAR p. 1499.)